



General Assembly

January Session, 2003

Amendment

LCO No. 6236

HB0651606236HR0

Offered by:

REP. MILLER, 122nd Dist.

To: Subst. House Bill No. 6516

File No. 374

Cal. No. 250

"AN ACT CONCERNING THE PRESERVATION OF FEDERALLY-ASSISTED HOUSING."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsection (g) of section 8-30g of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective*
5 *October 1, 2003*):

6 (g) Upon an appeal taken under subsection (f) of this section, the
7 burden shall be on the commission to prove, based upon the evidence
8 in the record compiled before such commission that the decision from
9 which such appeal is taken and the reasons cited for such decision are
10 supported by sufficient evidence in the record. The commission shall
11 also have the burden to prove, based upon the evidence in the record
12 compiled before such commission, that (1) (A) the decision is necessary
13 to protect substantial public interests in health, [safety,] including but
14 not limited to, quality and adequacy of water supply and sewage

15 disposal, safety, including, but not limited to, availability of fire
16 detectors and sprinklers, ease of access for fire equipment appropriate
17 and necessary to handle fires and other emergencies in buildings
18 within the development, or other matters which the commission may
19 legally consider, including, but not limited to compatibility with
20 respect to height and style of buildings within the development with
21 buildings on adjoining properties; (B) such public interests clearly
22 outweigh the need for affordable housing; and (C) such public
23 interests cannot be protected by reasonable changes to the affordable
24 housing development, or (2) (A) the application which was the subject
25 of the decision from which such appeal was taken would locate
26 affordable housing in an area which is zoned for industrial use and
27 which does not permit residential uses, and (B) the development is not
28 assisted housing, as defined in subsection (a) of this section. If the
29 commission does not satisfy its burden of proof under this subsection,
30 the court shall wholly or partly revise, modify, remand or reverse the
31 decision from which the appeal was taken in a manner consistent with
32 the evidence in the record before it."